

REMARKS

Claims 1-26 are listed as pending in the application, which claims are subject to restriction under 35 U.S.C. §121.

DISCUSSION

In the Office Action mailed March 31, 2005, the Examiner required restriction under 35 U.S.C. §121 as follows:

Group I: claims 1-16, and 19 drawn a product of Formula (I), classified in class 540, and various subclasses;

Group II: claims 17 and 18, drawn to a method of treatment comprising administration of the products of Formula (I), classified in class 514, and various subclasses;

Group III: claim 20, drawn to compounds of Formulae (II), (III), (X), (XV), (XXIV), and (XXV), classified in class 540, and various subclasses; and

Group IV: claims 21-26, drawn to processes of making the compounds of Formula (I), classified in class 540, and various subclasses.

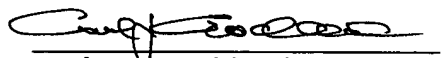
Applicants make provisional election, with traverse, of the products of Group I. In response to the request for species election of Group I compounds, Applicants elect the compound of Example 5, i.e., 8-chloro-5-methyl-1-(3,4,5,6-tetrahydro-2H-[1,2']bipyridinyl-4-yl)-5,6-dihydro-4H-2,3,5,10b-tetraaza-benzo[e]azulene, disclosed on page 95 of the instant description. Applicant's note that such election of species is made as an accommodation to the Examiner for searching purposes and is not to serve as the basis for the performance of an incomplete search limited to such species or an improper further restriction to such species in the event generic claim 1 is otherwise allowable. Pursuant to the provisions of M.P.E.P. §821.04, Applicants further request

rejoinder of non-elected method claims 17 and 18 of Group II, and process claims 21-26 of Group IV with the provisionally elected product claims of Group I once allowable product claims have been identified.

A favorable action on the merits is respectfully solicited.

Respectfully submitted,

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